

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/688,834

REMARKS

Claims 1-7 are all the claims pending in the application.

In response to the Amendment filed April 20, 2004, the Examiner repeated the previous claim rejections. Thus, claims 1-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Takikita (US 6,252,524).

Applicant submits that Takikita fails to teach or suggest the decision means for making decision on the basis of the detected vehicle speed and the measured reception field intensity as to a location within the communication coverage area where electronic toll collection information communication can be started while sustaining favorable reception field intensity at the protective vehicle speed, to thereby allow the communication means to perform communication processing on the basis of results of the decision. The Examiner asserts that the reference discloses all of the features of this limitation of claim 1 and col. 5, lines 15-22, but Applicant respectfully disagrees. Although Takikita discloses a vehicle speed calculation process, this process is performed to calculate a required speed for decelerating the vehicle. By contrast, Takikita does not disclose making a decision on the basis of the detected vehicle speed and the measured reception field intensity as to a location within the communication coverage area where electronic toll information communication can be started. Nowhere in the disclosure of Takikita is it taught or suggested that Takikita's system uses detected vehicle speed as a basis for making a decision as recited in the decision means limitation of claim 1 of the present invention. Although the Examiner has asserted that Takikita discloses this feature of claim 1, the Examiner has not identified any particular portion of the reference which makes this alleged disclosure. Therefore, Applicant submits that claim 1 is not anticipated by Takikita.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/688,834

Claims 2-7 are not anticipated by Takikita, at least because of their dependence from claim 1.

In the Amendment filed April 20, 2004, Applicant argued that Takikita does not teach or suggest the decision means being so designed as to sample distance data ... to thereby generate distance-versus-reception field intensity data. In the "Response to Arguments" in the Office Action dated July 29, 2004, the Examiner asserts that the zone comprising length or distance would produce or generate claimed distance-versus-reception field intensity information or data. Essentially, the Examiner appears to be asserting that it would have been inherent for the system disclosed in Takikita to include this feature of claim 2. Applicant respectfully disagrees. Rather, it is not necessarily the case that Takikita generates distance-versus-reception field intensity data. Takikita discloses the detection of signal strength and a toll collection communication zone, but these disclosed features of the reference do not necessarily mean that Takikita generates distance-versus-reception field intensity data.

The Examiner also refers to figures 3 and 4 of Takikita and asserts that the radio wave detector portion 5 of Takikita generates a measure of distance or length. Applicant respectfully disagrees. Figures 3 and 4 of the reference simply show the toll collection communication zone, which is defined by the strength of the signal, but not by the distance. The distance itself is not determined. Therefore, Applicant submits that claim 2 and its dependent claims 3-5 are not anticipated by Takikita for this additional reason.

Claim 6 of the present invention recites an image display means for displaying the electronic toll collection information exchanged through the communication means as an image while stopping display of the electronic toll information in dependence on a vehicle speed signal

RESPONSE UNDER 37 C.F.R. § 1.116

U. S. Application No. 09/688,834

outputted from the vehicle speed detecting means. In the April 20, 2004 Amendment, Applicant argued that Takikita does not teach or suggest this limitation of the claim. In the “Response to Arguments,” the Examiner refers to col. 8, lines 35-38 and col. 9, lines 12-19 of the reference. However, neither of these excerpts discloses the features claimed in claim 6. As recited in claim 6, the image display means stops display of the electronic toll collection information in dependence on a vehicle speed signal. The Examiner asserts that a user would end or stop displaying information when he is in the communication zone, but a user is not a part of the claim. Rather, it is an image display means which is recited as stopping display of the electronic toll collection information. Furthermore, the stopping of the display of electronic toll collection information is dependent on a vehicle speed signal outputted from the vehicle detecting means, in claim 6 of the present invention. The excerpt recited by the Examiner simply does not disclose the dependence relationship recited in claim 6. For these reasons, Applicant submits that claim 6 is not anticipated by Takikita.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/688,834

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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